

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION SUBCOMMITTEE MINUTES**

**April 25, 2007**

**I.  
ROLL CALL**

Present: Sandhu and Ciardella  
Absent: Azevedo  
Staff: Bejines, Hom, Kunsman and Reliford

**1. "S" ZONE  
APPROVAL  
AMENDMENT  
SA2007-11 NO.**

Cindy Hom, Junior Planner, presented a request to construct a 2,100 square foot pharmacy addition and various site modifications including removal of seven parking spaces, removal of 4 trees, and installation of new landscaping for Kaiser Permanente located at 770 Calaveras Boulevard. Ms. Hom recommended approve with conditions.

Commissioner Ciardella asked where is the outfall located? **Ray Andrews, Applicant**, said the outfall is located at the corner of the parking lot near the creek.

Commissioner Sandhu asked where is the creek located? Ms. Hom showed him the location of the creek on the plans.

Commissioner Sandhu asked how many parking spaces are required? Ms. Hom said 205 parking spaces.

Commissioner Sandhu asked why didn't this project go to the full commission and Ms. Hom said any addition under 5,000 square feet requires it to go to the Subcommittee.

Commissioner Sandhu asked if the addition will be separate from the old building and Ms. Hom said no.

Commissioner Ciardella asked if the existing pharmacy will stay open during construction and Mr. Andrews said yes.

Commissioner Ciardella said he was concerned about the tile. Ms. Hom said they looked at the color to make sure it compliments the existing tile and wanted to utilize metal tiles to make sure the roof is weatherproofed.

Commissioner Sandhu recalled that the Planning Commission approved tri-laminate material for all roofs. Felix Reliford, Principal Planner, said the tri-laminate material is for residential roofs not commercial.

Commissioner Ciardella asked how long is the roof guaranteed for? **Benito Olguin, Architect**, said there is a one-year guarantee. He pointed out that the roof pitch is very shallow and does not allow for a clay tile product because the wind would blow rain up underneath the tile.

Commissioner Sandhu said that a pharmacy is a critical structure because it holds life saving products and he does not feel comfortable with a one-year warranty and suggested that the item come back to the full commission. Mr. Olguin clarified that the material warranty is for 20-25 years.

Commissioner Ciardella asked if the installer will make the roof look peppered and Mr. Andrews said yes.

**Noella Tabladillo, Kaiser Government Relations Manager**, said that Kaiser wants to make sure they are a good neighbor and will comply with the special conditions required by staff.

Ms. Hom recommended the following condition be added:

- *Prior to building permit issuance, the applicant shall provide documentation that provides the lifetime warranty of the metal roof material. The warranty shall demonstrate that it provides a minimum of 15-25 years warranty.*

**Motion** to approve "S" Zone Approval Amendment No. SA2007-11 with special conditions including the added condition above.

M/S: Ciardella/Sandhu

AYES: 2

NOES: 0

**2. "S" ZONE  
APPROVAL  
AMENDMENT  
SA2007-15 NO.**

Cindy Hom, Junior Planner, presented a request to install minor exterior upgrades that include new column cladding, internally illuminated spanners, new trash valet, and canopy reface for the Chevron Gas Station located at 1249 Great Mall Drive. Ms. Hom recommended approve as submitted.

Commissioner Ciardella asked why is this being done and **Zaiga Gianino, Applicant**, said that Chevron's corporate logo has changed and they are removing the word Chevron.

Commissioner Ciardella asked if the blue light adds to the square footage and Ms. Gianino said no.

Commissioner Ciardella asked about the lights on the building and Ms. Gianino said they are not neon and are energy efficient.

**Motion** to approve "S" Zone Approval Amendment No. SA2007-15.

M/S: Sandhu/Ciardella

AYES: 2

NOES: 0

**3. "S" ZONE  
APPROVAL  
AMENDMENT  
SA2007-16 NO.**

Cindy Hom, Junior Planner, presented a request to reduce the square footage of existing exterior wall signs for Wal-Mart located at 301 Ranch Drive. Ms. Hom recommended approve as submitted.

Commissioner Ciardella asked why the applicant is not present and Ms. Hom said the applicant works out of state.

**Motion** to approve "S" Zone Approval Amendment No. SA2007-16.

M/S: Ciardella/Sandhu

AYES: 2

NOES: 0

**4. "S" ZONE  
APPROVAL  
AMENDMENT  
SA2007-12 NO.**

Tiffany Kunsman, Junior Planner, presented a request to remodel an attached single-family home located at 936 Matterhorn Court. Ms. Kunsman recommended approve with conditions.

**Motion** to approve "S" Zone Approval Amendment No. SA2007-12 with special conditions.

M/S: Ciardella/Sandhu

AYES: 2

NOES: 0

## **II. ADJOURNMENT**

The meeting was adjourned at 6:50 p.m.

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION MINUTES**

**April 25, 2007**

**I.  
PLEDGE OF  
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Azevedo, Ali-Santosa, Ciardella, Mandal, Sandhu, Tabladillo and Williams

Absent: None

Staff: Bejines, Lowe, Pio Roda and Reliford

**III.  
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

**IV.  
APPROVAL OF MINUTES  
April 11, 2007**

Chair Williams called for approval of the minutes of the Planning Commission meeting of April 11, 2007.

Principal Planner Felix Reliford noted that the applicant for the Warmington Project requested the following changes to the minutes:

- *On page 4, 2<sup>nd</sup> to the last paragraph, last sentence, added the word providing double the minimum setback requirement.*
- *On page 4, last paragraph, should read, existing soundwall is approximately 7' to 7' 6" and there was no discussion to raise that.*
- *On page 5, last paragraph, should read, and the podium houses have assigned side-by-side and tandem parking.*
- *On page 6, second paragraph, Mrs. Ishijima deferred the question to the applicant should be replaced with Ms. Vingo said all parking will be monitored by the HOA.*
- *On page 6, fourth paragraph, rainwater ends up in swales not swells.*
- *On page 7, regarding Robert Armstrong, should read, see people working in their 2<sup>nd</sup> story office.*

**Motion** to approve the minutes as amended.

M/S: Sandhu/Azevedo

AYES: 7

NOES: 0

APPROVED  
April 25, 2007

**V.  
ANNOUNCEMENTS**

Commissioner Ciardella said he found his Planning Commissioner name badge and suggested that staff order them for the rest of the Commission.

Commissioner Azevedo asked when would the Commissioners use the badge? Commissioner Ciardella suggested they could be used at Planning Commission meetings and City functions.

Chair Williams asked Mr. Reliford if there is funding in the budget to order badges and Mr. Reliford said yes.

Commissioner Azevedo suggested that staff purchase the magnet name badges so as not to ruin their clothes and Mr. Reliford said yes.

**VI.  
CONFLICT  
OF INTEREST**

Assistant City Attorney Pio Roda asked if the Commission has any personal or financial conflict of interest on tonight's agenda.

Vice Chair Mandal said he has a conflict of interest for Item No. 1 ("S" Zone No. SZ2005-2) and he would like to excuse himself.

Assistant City Attorney Pio Roda asked Vice Chair Mandal to briefly explain the conflict. Vice Chair Mandal said he is a friend of the applicant.

Assistant City Attorney Pio Roda said if Vice Chair Mandal feels uncomfortable with voting than it is certainly grounds for finding a conflict if he feels he cannot be unbiased in his assessment of the project. Otherwise a friend relationship wouldn't be a conflict of interest but if he can't act with disinterested zeal in his review of the project than he would have a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Chair Williams called for approval of the agenda.

Staff had no changes to the agenda.

**Motion** to approve the agenda as submitted.

M/S: Azevedo/Sandhu

AYES: 6

NOES: 0

**VIII.  
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no items added to the consent calendar.

**IX.  
PUBLIC HEARING**

**1. "S" ZONE NO.  
SZ2005-2**

**Kristine Lowe, Associate Planner**, presented a request to construct a 5,706 (approximate) square foot, single-family Hillside Residence with grading and landscaping at 898 Calaveras Ridge Drive. Ms. Lowe recommended approve with conditions to City Council.

Commissioner Sandhu said on page 7 of the staff report, there is a table that states CZP and asked what does it stand for. Mrs. Lowe said it stands for Crestline Zone of Protection.

Commissioner Ciardella pointed out that the City owns a land directly across the street from the project and asked if the City will ever build a park there. Mr. Reliford said staff would have to research the land to see if it is part of the Capital Improvement Projects for the next five years and would report back to the Commission.

Commissioner Ciardella asked what happens to the land if the City decides not to build a park there? Mr. Reliford said if it belongs to the subdivision than it would be maintained as open space as required by the hillside ordinance and if it is City land than the Council would have to make a policy decision whether or not to sell the land.

Commissioner Ciardella asked if the piece of land would be part of the original subdivision? Mr. Reliford said if it is in the boundaries of the original subdivision then they would have to comply with PUD 23.5. The Hillside ordinance was changed in the mid 1990's from 1 dwelling unit per 1 acre to 1 dwelling unit per ten acres.

Commissioner Ciardella asked if the park would ever get developed and Mr. Reliford said that it is up to City Council.

Commissioner Ali-Santosa said he was confused about the numbering sequence on page 12 of the staff report and asked staff to clarify. Mrs. Lowe said the conditions of approval are numbered 1 to 29 and the rest are notes to the applicant. Notes to the applicant are from the building and fire department so that when the applicant submits for permits, these notes are included as part of their submittal. The notes are not listed as conditions of approval.

Commissioner Tabladillo needed clarification on condition no. 9 that reads below and asked if there is a timeframe when trucks will begin and cease work considering the noise will be traveling through the existing residential neighborhood.

9. *Prior to issuance of the grading permit, the applicant shall submit an erosion control plan to the approval of the Planning Division. Erosion control measures shall be in place prior to the start of any work and maintained until the completion of construction. (P)*

Mr. Reliford said the City's noise ordinance dictates when construction takes place so that construction workers are considerate of residential neighbors.

Chair Williams asked if this home will be part of the existing HOA and if so, are there plans to move the access gate to the residential community further out. Mrs. Lowe said the project is part of the Calaveras Ridge Estates and there are no intentions to move the gate further out.

Chair Williams introduced the applicant.

**Haresh Patel, Applicant,** said he has owned the lot for 17 years and in 1991 the hillside-zoning ordinance was changed and would not allow him to build a two-story home. He has now designed his home in conformance with the City's zoning ordinance and requests the Commission to approve the project.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Azevedo/Sandhu

AYES: 6

NOES: 0

Chair Williams said the design of the home is very nice and he regrets that the applicant had to wait so long to live there.

Commissioner Sandhu said he is very happy that this development is complying with each and every requirement of the City and the owner, architect and staff has done a great job.

**Motion** to approve "S" Zone No. SZ2005-2 with conditions to City Council based on the findings in the staff report.

M/S: Azevedo/Ali-Santosa

AYES: 6

NOES: 0

**X.  
ADJOURNMENT**

The meeting was adjourned at 7:34 p.m. to the next regular meeting of May 9, 2007.

Respectfully Submitted,

Felix Reliford  
Principal Planner

Veronica Bejines  
Recording Secretary